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2 NV Bar No. 5692  
3 **Howard & Howard Attorneys PLLC**  
4 3800 Howard Hughes Pkwy.  
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7 v. 702.257.1483  
8 f. 702.567.1568  
9 jak@h2law.com  
10 Attorneys for Defendant

11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA

13 GERALD HESTER, on behalf of himself and  
14 all others similarly situated,

15 Plaintiff,

16 vs.

17 VISION AIRLINES, INC.,

18 Defendant.

CASE NO.: 2:09-CV-00117-RLH-RJJ

**DEFENDANT VISION AIRLINES'  
SUPPLEMENTAL RESPONSE TO  
PLAINTIFFS MOTION FOR  
SANCTIONS**

19 Defendant, Vision Airlines, Inc., by and through its counsel, James A. Kohl, Esq., of  
20 the law firm Howard & Howard Attorneys PLLC, files this Supplemental Response to  
21 Motion for Sanctions. This Response is based on the Points and Authorities attached hereto

22 \* \* \* \*

23 \* \* \* \*

24 \* \* \* \*

25 \* \* \* \*

26 \* \* \* \*

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(702) 257-1483

1  
2 Together with the Papers and Pleadings on file herein and any oral argument received by the  
3 Court.

4  
5 Dated this 11<sup>th</sup> day of February, 2014.

6 **Howard & Howard Attorneys PLLC**

7 /s/ James A. Kohl  
8 James A. Kohl, Esq.  
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12 **POINTS AND AUTHORITIES**

13 **A. Vision does Not Own Any Aircraft**

14 As set forth in the Opposition, Vision never owned any aircraft. The Plaintiffs  
15 presented the Court with printouts that allegedly showed that Vision owned two aircraft  
16 N4227BV and N745VA. They were in fact the same plane bearing the serial number 24271  
17 which was leased to Vision by Wells Fargo Bank, NA until such time as it was repossessed.  
18 A copy of the lease is attached as Exhibit 1 and the demands for repossession are attached as  
19 Exhibit 2. As the Court can see, the Serial number of the plane is the same on the Lease and  
20 the default notices. The registration number changed to a Vision number during the time  
21 Vision had possession of the aircraft. It is clear from the Lease, Vision was never the owner  
22 of the aircraft. In fact, the lease required Vision to affix badges to the airplane stating:

25 "THIS AIRCRAFT WITH MANUFACTURER'S SERIAL  
26 NUMBER 24271 IS OWNED BY WELLS FARGO  
BANK NORTHWEST, N.A.  
27 OWNER'S ADDRESS: 299 SOUTH MAIN STREET,  
12TH FLOOR, SALT LAKE CITY, UTAH  
28 TEL: 801-246-5630

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1 FAX: 801-246-5053"

2  
3 See Lease Section 14. Vision did not and does not own any aircraft. Any claims by the  
4 Plaintiffs to the Contrary are false.  
5

6 **Howard & Howard Attorneys PLLC**

7 /s/ James A. Kohl

8 James A. Kohl, Esq.

9 NV Bar No. 5692

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**CERTIFICATE OF ELECTRONIC FILING  
AND CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that on the 11<sup>th</sup> day of February, 2014, I electronically filed a true and correct copy of the foregoing document with the Clerk of this Court using the CM/ECF system, which sent notification of such filing to the following:

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/s/ Stephanie T. George  
An employee of Howard & Howard Attorneys PLLC

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